

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6136

BILL NUMBER: HB 1016

NOTE PREPARED: Apr 23, 2013

BILL AMENDED: Mar 14, 2013

SUBJECT: Problem-Solving Courts.

FIRST AUTHOR: Rep. Koch

FIRST SPONSOR: Sen. Steele

BILL STATUS: Enrolled

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- A. *Additional Circumstances for Participation in Problem-Solving Courts* – It provides additional circumstances under which a person can participate in a problem-solving court program.
- B. *Rehabilitative Services* – It provides that a problem-solving court may provide rehabilitative services.
- C. *Court Fee Transfer Process* – It simplifies the problem-solving court fee transfer process.
- D. *Commission on Courts* – It urges the Legislative Council to require the Commission on Courts to evaluate the funding of veteran's courts during the 2013 interim

Effective Date: July 1, 2013.

Explanation of State Expenditures: *Commission on Courts Evaluation of Veterans Courts* – The Commission on Courts is a statutory commission that reviews court-related issues and programs. If the Commission were to hold additional meetings due to a requirement to evaluate the funding of veteran's courts, there could be additional costs for travel and per diem.

Explanation of State Revenues:

Explanation of Local Expenditures: *Additional Circumstances for Participation* – This bill would permit individuals who are sentenced for a misdemeanor or currently under the jurisdiction of the Department of Correction or a county sheriff to participate in a problem-solving court.

Under current law, persons may be eligible to participate in a problem-solving court program if the person is convicted of a misdemeanor and placed on probation. Judicial Center staff note that some counties may not place persons convicted of a misdemeanor on probation because of either the relatively short sentence or due to limited community resources. This bill would permit these persons to participate in a problem-solving court program.

Concerning offenders under the jurisdiction of the Department of Correction (DOC) and county sheriffs, Judicial Center staff anticipate that courts could begin to work with selected offenders while they are still incarcerated and could continue while the offender is in the community transition program.

The number of persons who could be admitted into a problem-solving court program will depend on the discretion of the court, DOC, the county sheriff, and the Indiana Judicial Center.

Rehabilitative Services – Under current law, problem-solving courts cannot provide rehabilitation services such as counseling and certain types of other programs and must go through contractors. This provision would allow these courts to have more flexibility in providing services directly to the person participating in a problem-solving court program. As specified by this bill, rehabilitative services can include classes, programs or services concerning education, criminal thinking and behavior, employment, and parenting and family support.

The Indiana Judicial Center reports 53 problem-solving courts in Indiana are located in counties comprising an estimated 68% of the state population.

Explanation of Local Revenues: *Court Fee Transfer Process* – This streamlines the collection process by requiring problem-solving courts to collect and transfer all fees directly to the county fiscal officer instead of through the clerks of the court. In CY 2011, 26 problem-solving courts reported collecting \$267,539 in court fees.

State Agencies Affected: Indiana Judicial Center.

Local Agencies Affected: Problem-solving courts; Lake County.

Information Sources: Diane Mains, Indiana Judicial Center; *2011 Judicial Report*; Department of Local Government Finance Gateway website.

Fiscal Analyst: Mark Goodpaster, 317-232-9852.